

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY MUSCAT IMMEDIATE

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FOR THE AMBASSADOR

E.O. 11652:N/A

TAGS: SHUM, MU, US

SUBJECT: ADVANCE NOTIFICATION OF HUMAN RIGHTS REPORTS

REFERENCES: (A) MUSCAT 150, (B) STATE 18330

1. APPRECIATE MUSCAT'S SUGGESTED REVISIONS ON HUMAN RIGHTS REPORT. TIME CONSIDERATIONS PRECLUDE INCLUSION OF REVISIONS IN THIS YEAR'S REPORT, FOR FINAL TEXT WILL BE SUBMITTED TO CONGRESS BY JANUARY 31. CHANGES WILL BE CONSIDERED FOR INCORPORATION IN NEXT YEAR'S REPORT. FINAL TEXT FOR OMAN IS TRANSMITTED HERewith. YOU SHOULD, AT YOUR DISCRETION, PROVIDE TEXT OF REPORT TO APPROPRIATE HOST GOVERNMENT OFFICIALS, PRIOR TO THAT DATE.

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2. IN PROVIDING ADVANCE COPY TO HOST GOVERNMENT, YOU SHOULD MAKE THE FOLLOWING POINTS IN EXPLANATION.

-- THE EFFECT OF LEGISLATION WHICH BECAME EFFECTIVE LAST YEAR IS TO REQUIRE THE SECRETARY TO SUBMIT A "FULL AND COMPLETE" REPORT ON THE STATUS OF INTERNATIONALLY-RECOGNIZED

HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES EITHER DEVELOPMENT OR SECURITY ASSISTANCE FROM THE UNITED STATES.

-- WE BROUGHT THIS LEGAL REQUIREMENT TO THE ATTENTION OF

THE OMANI GOVERNMENT LAST NOVEMBER.

-- 109 SUCH HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE CONGRESS O/A JANUARY 31. WE ARE PROVIDING THEREFORE AN ADVANCE COPY OF THE REPORT ON OMAN.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUBLISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE REPORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE ATTENTION IN THE PRESS.

3. BEGIN TEXT: UNTIL THE PRESENT SULTAN SEIZED POWER FROM HIS FATHER IN 1970, OMAN WAS GENERALLY CONSIDERED TO HAVE THE MOST AUTHORITARIAN AND REACTIONARY GOVERNMENT IN THE ARABIAN PENINSULA. SINCE THAT DATE, DESPITE THE SERIOUS THREAT TO OMAN'S SURVIVAL POSED UNTIL 1976 BY THE LIMITED OFFICIAL USE

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DHOFAR INSURGENCY, THE SULTANATE HAS MADE SUBSTANTIAL PROGRESS IN PROVIDING ITS CITIZENS A FREER AND MORE PROSPEROUS LIFE. THE DHOFAR CONFLICT, MOUNTED BY INDIGENOUS LEFTISTS SUPPORTED BY IRREGULAR FORCES FROM THE NEIGHBORING PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN, HAS VIRTUALLY ENDED AFTER SEVERAL YEARS OF FIGHTING.

(1) RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

THE OMANI CRIMINAL CODE PROHIBITS THE USE OF TORTURE AND THIS PROHIBITION SEEMS TO HAVE BEEN OBSERVED IN PRACTICE. INQUIRIES INITIATED BY AMNESTY INTERNATIONAL IN 1975 FAILED TO CONFIRM ALLEGATIONS THAT GOVERNMENT FORCES EMPLOYED TORTURE DURING THEIR SUPPRESSION OF THE DHOFAR INSURGENCY.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

IN THE EARLY 1970S, THERE PROBABLY WERE ISOLATED INSTANCES OF CRUEL, INHUMAN OR DEGRADING PUNISHMENT IN CONNECTION

WITH THE DHOFAR INSURGENCY. THERE ARE NO RECENT REPORTS OF SUCH PRACTICES.

C. ARBITRARY ARREST OR IMPRISONMENT

THE OMANI CRIMINAL CODE PROHIBITS ARBITRARY ARREST. CITIZENS CAN PETITION THE COURTS AND THE SULTAN FOR REMEDY OF VIOLATIONS OF THEIR RIGHTS. THE POWER OF THE STATE TO ARREST AND DETAIN IS DEFINED BY LAW. VIOLATIONS OF THE LAW HAVE NOT COME TO OUR ATTENTION, ALTHOUGH THEY MAY OCCASIONALLY TAKE PLACE.

D. DENIAL OF FAIR PUBLIC TRIAL

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FAIR AND PUBLIC TRIALS ARE PROVIDED FOR IN BOTH TRADITIONAL ISLAMIC LAW AND THE NEW CRIMINAL CODE. U.S. GOVERNMENT OFFICIALS ATTENDING SESSIONS OF BOTH ISLAMIC AND POLICE COURTS FOUND THE PROCEDURES TO BE IN ACCORDANCE WITH LAW.

E. INVASION OF THE HOME

WARRANTS ARE NOT REQUIRED FOR POLICE SEARCHES OF PRIVATE PREMISES. SUCH SEARCHES ARE PROBABLY INFREQUENT.

(2) GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

SINCE 1970 THE OMANI GOVERNMENT HAS FOLLOWED LIBERAL POLICIES IN PROVIDING FOR BASIC NEEDS FOR THE POOR AND IN SUPPORTING EDUCATION. MODEST OIL RESERVES AND HEAVY DEFENSE EXPENDITURES DURING THE DHOFAR INSURGENCY LIMITED THE FINANCIAL RESOURCES AVAILABLE FOR SOCIAL WELFARE.

OMAN IS EMERGING FROM BACKWARDNESS AND POVERTY AS A RESULT OF ITS RECENT OIL WEALTH. SUBSTANTIAL DISPARITIES OF WEALTH BETWEEN THE MERCHANT CLASS AND THE REST OF THE POPULATION EXIST. IT IS IMPOSSIBLE TO DISMISS THE PERSISTENT ALLEGATIONS OF BRIBERY IN THE AWARDING OF GOVERNMENT CONTRACTS; IT IS EQUALLY IMPOSSIBLE TO DETERMINE THE EXTENT TO WHICH RESOURCES ARE THEREBY SIGNIFICANTLY DIVERTED FROM THE POOR. IN THE LAST YEAR, THE GOVERNMENT HAS MOVED AGAINST ONE CASE OF FINANCIAL MALFEASANCE BY GOVERNMENT OFFICIALS.

(3) RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

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A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY

OMAN REMAINS A TRADITIONAL SOCIETY. THERE IS NO NATIONAL ASSEMBLY. FREEDOM OF THE PRESS, OF ASSEMBLY, AND OF SPEECH IS CIRCUMSCRIBED. THERE ARE NO RESTRICTIONS ON

RELIGIOUS PRACTICES. ALTHOUGH LABOR ORGANIZATIONS ARE NOT EXPRESSLY FORBIDDEN, OMAN HAS NO ORGANIZED LABOR MOVEMENT.

OMANI WOMEN HAVE ONLY RECENTLY BEGUN TO EMERGE FROM TRADITIONAL ISOLATION AND ARE NOT YET ACTIVE IN PUBLIC LIFE. THEY RARELY APPEAR IN PUBLIC UNVEILED.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

OMANIS MAY TRAVEL FREELY THROUGHOUT THE COUNTRY EXCEPT IN THE AREA OF THE DHOFAR INSURGENCY. OMANIS MAY ALSO EMIGRATE AND TRAVEL ABROAD FREELY.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THERE ARE NEITHER POLITICAL PARTIES NOR ELECTIONS IN OMAN. CITIZENS HAVE ACCESS TO GOVERNMENT LEADERS THROUGH PERSONAL APPEAL, WHICH IS SANCTIONED BY ISLAMIC AND TRIBAL PRACTICE. OMAN REMAINS ESSENTIALLY CONSERVATIVE IN ITS RECOGNITION OF POLITICAL RIGHTS.

(4) GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

GIVEN OMAN'S CULTURAL TRADITIONS AND HISTORY, THE PRESENT GOVERNMENT REPRESENTS A DRAMATIC STEP TOWARD ENLIGHTENED RULE. THE GOVERNMENT SUPPORTS ECONOMIC DEVELOPMENT AND LIMITED OFFICIAL USE

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MODERNIZATION OF OMANI SOCIETY. THE GENERAL CONDITION OF SOCIAL AND POLITICAL FREEDOM IS MUCH IMPROVED.

INTERNATIONAL CONCERN HAS NOT GENERALLY FOCUSED ON HUMAN RIGHTS IN OMAN. THE GOVERNMENT DID REFUSE TO RECEIVE A PROPOSED AMNESTY INTERNATIONAL MISSION IN 1972 WHEN THE DHOFAR INSURGENCY WAS AT ITS PEAK.

END TEXT.

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